

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1001 be amended to read as follows:

Page 129, between lines 47 and 48, begin a new paragraph and insert:

"SECTION 104. IC 12-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

3. The bureau shall administer the following programs:

- (1) Older Americans Act under IC 12-9-5-1.
- (2) Area agencies on aging services under this article.
- (3) Adult protective services under IC 12-10-3.
- (4) Room and board assistance and assistance to residents in county homes under IC 12-10-6.
- (5) Adult guardianship program under IC 12-10-7.
- (6) Community and home options for the elderly and disabled under IC 12-10-10.
- (7) Nursing home preadmission screening under IC 12-10-12.
- (8) ~~Long term care advocacy under IC 12-10-13.~~
- (9) Nutrition services and home delivered meals.
- (10) Title III B supportive services.
- (11) Title III D in-home services.
- (12) Aging programs under the Social Services Block Grant.
- (13) United States Department of Agriculture elderly feeding program.
- (14) Title V senior employment.
- (15) PASARR under older adult services.
- (16) Medicaid waivers for in-home services.

SECTION 105. IC 12-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

7. The ~~division shall establish the~~ long term care ombudsman office **is established** in compliance with 42 U.S.C. 3027.

SECTION 106. IC 12-10-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

8. Subject to sections 10 through 12 of this chapter, the ~~director of the division~~ **governor** shall appoint the state long term care ombudsman to direct the office on a full-time basis.

SECTION 107. IC 12-10-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

9. The ~~director~~ **governor** shall appoint an acting state ombudsman within thirty (30) days of a vacancy in the position of state ombudsman. The acting state ombudsman has the powers and duties of the state ombudsman.

SECTION 108. IC 12-10-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

11. The ~~director~~ **governor** may not appoint as state ombudsman an individual who has been employed by a long term care facility or a home care service organization within one (1) year preceding the ~~director's~~ **governor's** proposed appointment.

SECTION 109. IC 12-10-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

12. The state ombudsman and a member of the state ombudsman's immediate family may not have had a pecuniary

1 interest in a long term care facility or a home care service organization within three (3) years preceding the ~~director's~~  
 2 **governor's** proposed appointment.

3 SECTION 110. IC 12-10-13-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
 4 17. The ~~director of the division~~ **state ombudsman** shall adopt rules under IC 4-22-2 necessary to carry out this  
 5 chapter.

6 SECTION 111. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "division" refers to the**  
 7 **division of disability, aging, and rehabilitative services.**

8 (b) **As used in this SECTION, "office" refers to the long term care ombudsman office.**

9 (c) **Rules adopted by the division before July 1, 1999, under IC 12-10-13-17, as amended by this act, are**  
 10 **considered rules of the office after June 30, 1999.**

11 (d) **On July 1, 1999, all records, appropriations, powers, duties, and liabilities of the division under**  
 12 **IC 12-10-13 are transferred to the office.**

13 (e) **The individual who is the state ombudsman (as defined by IC 12-10-13-6) on June 30, 1999, continues**  
 14 **to serve as the state ombudsman after June 30, 1999, until the governor appoints a new ombudsman under**  
 15 **IC 12-10-13-8, as amended by this act. The governor may reappoint the individual who is the state**  
 16 **ombudsman on June 30, 1999, as the state ombudsman.**

17 (f) **An individual who was employed as an ombudsman (as defined by IC 12-10-13-4.5) on June 30, 1999,**  
 18 **and who continues to serve as an ombudsman after June 30, 1999, does so with all the rights, duties, and**  
 19 **conditions of employment the individual had as an ombudsman before July 1, 1999.**

20 (g) **All furniture and equipment located in and used by the office on June 30, 1999, is the property of the**  
 21 **office after June 30, 1999. The Indiana department of administration shall provide the office with any needed**  
 22 **office space and equipment.**

23 (h) **This SECTION expires July 2, 1999."**

24 Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed March 26, 1999.)

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Senator LANANE